

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HADLACZKY *et al.*
Serial No. 09/724,726
Filed: November 28, 2000
Customer No.: 24691
Confirmation No.: 7776
For: *ARTIFICIAL CHROMOSOMES,
USES THEREOF AND METHODS
FOR PREPARING ARTIFICIAL
CHROMOSOMES*
Art Unit: 1638
Examiner: Helmer, G.L.

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TRANSMITTAL LETTER

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

Transmitted herewith via hand delivery are a Supplemental Information Disclosure Statement, Form PTO-1449 (4 Pages), cited references and a check in the amount of \$180 for filing in connection with the above-identified application.

- (X) The Commissioner is hereby authorized to charge the fee for the Information Disclosure Statement and any other fees that may be due under 37 C.F.R. §§1.16-1.17 in connection with this paper or with this application during its entire pendency to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE LLP

By:

Stephanie L. Seidman
Registration No. 33,779

Dated: July 17, 2003
Attorney Docket No.: 24601-402E
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN
ACCORDANCE WITH 37 C.F.R. §§ 1.97-1.98

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Since this Supplemental Information Disclosure Statement is filed after receipt of a first Office Action on the merits for the above-captioned application, the filing fee of \$180.00 is enclosed. If no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§ 1.97-1.98. Form PTO-1449 (4 pages) and copies of the cited documents are provided herewith.

The documents listed on Form PTO-1449 and supplied herewith are in the English language. Hence, in accordance with the requirements of 37 C.F.R. § 1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Applicant also makes known to the Examiner the following U.S. and International applications which are commonly owned and/or have one or more inventors in common:

U.S.S.N. 09/724,726

Hadlaczky *et al.*

Supplemental Information Disclosure Statement

<u>U.S.S.N.</u>	<u>Filing Date</u>	<u>Docket No.</u>
10/219,694	08/14/02	24601-402M
10/287,313	11/01/02	24601-402N
10/235,119	09/03/02	24601-416D
10/161,408	05/30/02	24601-419
10/428,653	05/01/03	24601-426

<u>Int'l App. No.</u>	<u>Filing Date</u>	<u>Docket No.</u>
PCT/US02/17451	05/30/02	24601-419PC

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and information and that they be made of record in the file history of the above-captioned application.

* * *

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE LLP

By: _____

Stephanie L. Seidman
Registration No. 33,779

Dated: July 17, 2003

Attorney Docket No. 24601-402E

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FORM PTO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 24601-402E	SERIAL NO. 09/724,726	CONFIRM NO. 7776
	APPLICANT HADLACZKY <i>et al.</i>	CUSTOMER NO. 24961 17 11 9:43	
	FILING DATE November 28, 2000	GROUP 1638	

* If an asterisk is placed beside the reference number, a copy is NOT provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120, 37 C.F.R. § 1.98(d).

+ Derwent English language abstract and/or English translation provided.

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	*Ref. Code	DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FILING DATE
	A	5	2	7	0	2	0	1	12/14/93	Richards <i>et al.</i>	435	240.4	03/30/92
	B	6	1	0	0	0	9	2	08/08/00	Borysyuk <i>et al.</i>	435	468	06/15/98
	C	6	3	5	5	8	6	0	03/12/02	Borysyuk <i>et al.</i>	800	278	06/15/99

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	*Ref. Code	DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB CLASS	Translation Yes No
	D	0	2	9	2	4	3	5	07/26/95	EP			
	E	0	3	9	2	2	2	5	03/21/90	EP			
	F	9	3	0	7	2	7	8	04/15/93	PCT			
	G	9	5	0	6	1	2	8	08/24/94	PCT (A2)			

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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

H	Berlani <i>et al.</i> , "Genomic organization of two families of highly repeated nuclear DNA sequences of maize selected for autonomous replicating activity in yeast", <i>Plant Molecular Biol.</i> , 11:161-172 (1988)
I	Berlani <i>et al.</i> , "Sequence analysis of three fragments of maize nuclear DNA which replicate autonomously in yeast", <i>Plant Molecular Biol.</i> , 11:173-182 (1988)
J	Blackburn <i>et al.</i> , BOOK: <u>Telomeres</u> , Chapter 13, "Plant Telomeres", Cold Spring Harbor Laboratory Press, pp. 371-387 (1995)
K	Datta <i>et al.</i> , "Genetically Engineered Fertile Indica-Rice Recovered From Protoplasts", 8:736-740 (1990)
L	de Jong <i>et al.</i> , "Chromosome and DNA-Mediated Gene Transfer in Cultured Mammalian Cells", <i>International Review of Cytology</i> , 92:133-158 (1984)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Title: **ARTIFICIAL CHROMOSOMES, USES THEREOF AND METHODS FOR PREPARING ARTIFICIAL CHROMOSOMES**

FORM PTO-1449	ATTY. DOCKET NO. 24601-402E	SERIAL NO. 09/724,726	CONFIRM NO. 7776
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	APPLICANT HADLACZKY <i>et al.</i>	CUSTOMER NO. 17 JUL 25 2003 24961	
	FILING DATE November 28, 2000	GROUP 1638	

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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

M	de Jong <i>et al.</i> , "High resolution FISH in plants-techniques and applications", <i>Trends in Plant Science</i> , <u>4</u> (7):258-263 (1999)
N	D'Halluin <i>et al.</i> , "Transgenic Maize Plants by Tissue Electroporation", <i>Plant Cell</i> , <u>4</u> :1495-1505 (1992)
O	Eckdahl <i>et al.</i> , "DNA structures associated with autonomously replicating sequences form plant", <i>Plant molecular Biol.</i> , <u>12</u> :506-516 (1989)
P	Fransz <i>et al.</i> , "High-resolution physical mapping in <i>Arabidopsis thaliana</i> and tomato by fluorescence <i>in situ</i> hybridization to extended DNA fibres", <i>The Plant J.</i> , <u>9</u> (3):421-430 (1996)
Q	Frary <i>et al.</i> , "Molecular mapping of the centromeres of tomato chromosomes 7 and 9", <i>Mol. Gen. Genet.</i> , <u>250</u> :295-304 (1996)
R	Funatsuki <i>et al.</i> , "Fertile transgenic barely generated by direct DNA transfer to protoplasts", <i>Theor. Appl. Genet.</i> , <u>91</u> :707-712 (1995)
S	Golovkin <i>et al.</i> , "Production of transgenic maize plants by direct DNA uptake into embryogenic protoplasts", <i>Plant Science</i> , <u>90</u> :41-52 (1993)
T	Gordon-Kamm <i>et al.</i> , "Transformation of Maize Cells and Regeneration of Fertile Transgenic Plants", <i>Plant Cell</i> , <u>2</u> :603-618 (1990)
U	Hadlaczký <i>et al.</i> , "DNA Synthesis And Division In Interkingdom Heterokaryons", <i>In Vitro</i> , <u>16</u> (8):647-650 (1980)
V	Hain <i>et al.</i> , "Uptake, integration, expression and genetic transmission of a selectable chimaeric gene by plant protoplasts", <i>Mol. Gen. Genet.</i> , <u>199</u> :161-168 (1985)
W	Hoffman <i>et al.</i> , "Lipochromosome Mediated Gene Transfer: Identification And Probable Specificity Of Localization Of Human chromosomal Material And Stability Of The Transferents", <i>In Vitro</i> , <u>17</u> (8):735-740 (1981)
X	Houba-Herin <i>et al.</i> , "Transposition of a <i>Ds</i> element from a plasmid into the plant genome in <i>Nicotiana plumbaginifolia</i> protoplast-derived cells", <u>6</u> (1):55-66 (1994)
Y	Houben <i>et al.</i> , "Immunostaining and interphase arrangement of field bean kinetochores", <i>Chrom. Res.</i> , <u>3</u> :27-31 (1995)

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	Z	Karesch <i>et al.</i> , " <i>Arabidopsis thaliana</i> : protocol for plant regeneration from protoplasts", <i>Plant Cell Reports</i> , <u>9</u> :575-578 (1991)
	AA	Kaszas <i>et al.</i> , "Misdivision analysis of centromere structure in maize", <i>EMBO J.</i> , <u>15</u> (19):5246-5255 (1996)
	AB	Jiang <i>et al.</i> , "A conserved repetitive DNA element located in the centromeres of cereal chromosomes", <i>Proc. Natl. Acad. Sci. U.S.A.</i> , <u>93</u> :14210-14213 (1996)
	AC	Laursen <i>et al.</i> , "Production of fertile transgenic maize by electroporation of suspension culture cells", <i>Plant Molecular Biology</i> , <u>24</u> :51-61 (1994)
	AD	Lepetit <i>et al.</i> , "A plant histone gene promoter can direct both replication-dependent and -independent gene expression in transgenic plants", <i>Mol. Gen. Genet.</i> , <u>231</u> :276-285 (1992)
	AE	Mathur <i>et al.</i> , "A simple method for isolation, liquid culture, transformation and regeneration of <i>Arabidopsis thaliana</i> protoplasts", <i>Plant Cell Reports</i> , <u>14</u> :221-226 (1995)
	AF	Mole-Bajer <i>et al.</i> , "Autoantibodies from a patient with scleroderma CREST recognized kinetochores of the higher plant <i>Haemanthus</i> ", <i>Proc. Natl. Acad. Sci. U.S.A.</i> , <u>87</u> :3599-3603 (1990)
	AG	Moore <i>et al.</i> , "Centromeric sites and cereal chromosome evolution", <i>Chromosoma</i> , <u>105</u> :321-323 (1997)
	AH	Mukherjee <i>et al.</i> , "Entrapment of metaphase chromosomes into phospholipid vesicles (lipochromosomes): Carrier potential in gene transfer", <i>Proc. Natl. Acad. Sci. USA</i> , <u>75</u> /3:1361-1365 (1978)
	AI	Negrutiu <i>et al.</i> , "Plant protoplasts as genetic tool: selectable markers for developmental studies", <i>Int. J. Dev. Biol.</i> , <u>36</u> :73-84 (1992)
	AJ	Rhodes <i>et al.</i> , "Telomere structure and function", <i>Curr. Opin. Struc. Biol.</i> , <u>5</u> :311-322 (1995)
	AK	Rogers <i>et al.</i> , "Gene Transfer in Plants: Production of Transformed Plants Using Ti Plasmid Vectors", <i>Methods for Plant Molecular Biology</i> , <i>Academic Press</i> , <u>VIII</u> (26):423-436 (1988)

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AL	Schmidt <i>et al.</i> , "Transgenic tobacco plants expressing the Arabidopsis <i>thaliana</i> nitrilase II enzyme", <u>9(5)</u> :683-691 (1996)
AM	Shimamoto <i>et al.</i> , "Trans-activation and stable integration of the maize transposable element <i>Ds</i> cotransfected with the <i>Ac</i> transposase gene in transgenic rice plants", <i>Mol. Gen. Genet.</i> , <u>239</u> :354-360 (1993)
AN	Shimamoto <i>et al.</i> , "Fertile transgenic rice plants regenerated from transformed protoplasts", <i>Nature</i> , <u>338</u> :274-276 (1989)
AO	ten Lohuis <i>et al.</i> , "A repetitive DNA fragment carrying a hot spot for <i>de novo</i> DNA methylation enhances expression variegation in tobacco and petunia", <i>The Plant J.</i> , <u>8(6)</u> :919-932 (1995)
AP	Toriyama <i>et al.</i> , "Transgenic Rice Plants After Direct Gene Transfer Into Protoplasts", <i>BioTechnology</i> , <u>6</u> :1072-1074 (1988)
AQ	Voet, D. and Voet, J., BOOK: <u>Biochemistry</u> , Chapter 33, "Eukaryotic Gene Expression", John Wiley & Sons, New York, p. 1033 (1990)
AR	Zakian, "Telomeres: Beginning to Understand the End", <i>Science</i> , <u>270</u> :1601-1607 (1995)
AS	Zhang <i>et al.</i> , "Transgenic rice plants produced by electroporation-mediated plasmid uptake into protoplasts", <i>Plant Cell Reports</i> , <u>7</u> :379-384 (1988)
AT	Zupan <i>et al.</i> , "Agrobacterium VirE2 protein mediates nuclear uptake of single-stranded DNA in plant cells", <i>Proc. Natl. Acad. Sci. USA</i> , <u>93</u> :2392-2397 (1996)

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